

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPHINE LOGUIDICE and EMILIE
NORMAN,

Plaintiffs,

v.

GERBER LIFE INSURANCE COMPANY,

Defendant.

CASE NO. 7:20-cv-03254-KMK

PLAINTIFFS' MOTION TO FILE UNDER SEAL

Pursuant to Your Honor's Individual Rules and Practices, Standing Order No. 19-mc-00583 and Section 6 of the Court's ECF Rules & Instructions, Plaintiffs Emilie Norman and the Estate of Josephine Logiudice, by and through counsel, seek leave to file their Motion for Class Certification, as well as the supporting Memorandum, Declaration and accompanying exhibits under seal.

While Plaintiffs disagree with the designations, the Motion and supporting documents are nearly entirely comprised of information that has been marked by Defendant as Confidential under the governing protective order in this case, Doc. 42, such that redaction would be futile and there is good cause to place the filings entirely under seal. Specifically, the evidence supporting Plaintiffs' Fed. R. Civ. P. 23 Motion and arguments derives almost entirely from documents produced by Defendant and testimony of Defendant's witnesses, which has all been marked Confidential by Defendant. And even certain other evidence produced by Plaintiffs and submitted in support of the Motion (*e.g.* evidence from expert witnesses retained by Plaintiffs) relies heavily on evidence produced and marked Confidential by Defendant. Thus, there is little

substance in Plaintiffs' Memorandum and supporting Declaration that can be submitted without redaction and few exhibits that do not require sealing.

For these reasons, there is good cause to place the Motion and supporting Memorandum, Declaration and accompanying exhibits under seal, and Plaintiffs respectfully request the Court permit sealing of the identified filings.

Dated: November 20, 2023

Respectfully submitted,

/s/ Lynn Toops

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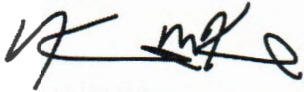
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Motion granted, but Plaintiffs are to propose redacted
versions of the filings by 12/8/23.

So Ordered.

A handwritten signature in black ink, appearing to be 'V. M. K.', is written over a horizontal line.

11/21/23

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2023 I filed the foregoing with the Clerk of Court using the CM/ECF system which will send electronic notification of such filing to all counsel registered with ECF.

/s/ Natalie Lyons
Natalie Lyons